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OLL # 84-0457

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 3, 1984

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

National Security Council
Department of the Treasury
Central Intelligence Agency
Department of Defense
Department of State

SUBJECT: Department of Justice testimony regarding the role of the FBI in combating terrorism

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than

COB MONDAY, FEBRUARY 6, 1984.

Direct your questions to Gregory Jones (395-3856), of this office.

Gregory M. Jones for

James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: M. Uhlmann A. Curtis K. Wilson A. Donahue

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TESTIMONY

BY

WILLIAM H. WEBSTER

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

BEFORE AN

OPEN SESSION OF THE

SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

COMMITTEE ON THE JUDICIARY

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

FEBRUARY 8, 1984

Rec'd 2/2/84 5:25 p.m.

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Mr. Chairman and members of the subcommittee, I am pleased to appear before you this morning to discuss the role of the FBI in combating terrorism.

As you know, terrorists hope to achieve many goals when they strike out against society. They may want to make ideological statements or political demands. They may hope to bring about a change in our national policy, or perhaps the policies of another nation. Or they may desire retribution for real or imagined wrongs. Rarely, if ever, do they offer rational or viable alternatives.

Whatever their intentions, terrorist activities can be reduced to one common denominator: the use of violence. The Soviet dissident and Nobel-prize-winning physicist, Andrei Sakharov, put it this way:

> "No matter how high the aims predicated by terrorists...their activities are always criminal, always destructive, throwing humankind back to a time of lawlessness and chaos, provoking...internal and international complications, contradicting the goals of peace and progress."

Responding to terrorist activities is much more difficult for a democratic society than it is for a totalitarian state. Repressive measures are what most terrorist organizations seek to illicit. Our response must be so measured that we do not destroy the openness we enjoy or trample the freedoms we expect.

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In discussing our response to terrorism, let me begin with our definition of terrorism. Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. The FBI divides terrorism into either domestic or international categories on the basis of the origin of the group. If a terrorist group is one that originates within the United States and has no foreign funding, direction, or influence, it is domestic. If, on the other hand, the group originates outside the United States, is funded or directed from without the United States, or the group's activities transcend national boundaries, it is international.

Our terrorism investigations are based on a very fundamental responsibility of government--the duty to protect the public against terrorism and those who would destroy our political system through criminal violence.

Our international terrorism cases are investigated under the Foreign Counterintelligence Guidelines and the provisions of the Foreign Intelligence Surveillance Act. Although the exact number of these investigations is classified, they far outnumber the cases involving domestic terrorist groups.

Our domestic security/terrorism investigations are best understood if terrorist organizations are viewed as

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criminal enterprises. Like other investigations of criminal enterprises, for example in organized crime, these investigations not only entail determining who committed specific criminal acts, but also how those individuals relate to others similarly motivated, how they are financed and supported logistically, and who their leadership is. As in other criminal cases, we gather intelligence and evidence for prosecution. This approach allows us to focus on the total terrorist network rather than on what a particular group decides to call itself.

These investigations are conducted under the Attorney General Guidelines for General Crimes, Racketeering Enterprises and Domestic Security/Terrorism Investigations. In 1976, then Attorney General Levi published a set of guidelines, popularly known as the "Levi Guidelines," that set the parameters for the FBI's investigation of domestic security. These guidelines were in effect until April, 1983, when Attorney General William French Smith issued a revised set of guidelines for these investigations. Viewing terrorist organizations as criminal enterprises under these guidelines, we now open Domestic Security/Terrorism cases when facts or circumstances indicate that two or more persons are engaged in an enterprise for the purpose of furthering political or social goals wholly or in part through activities that involve force or violence in violation of the law.

Last year's bombings in Beirut and Kuwait and other incidents have aroused fear and concern in Americans. We know that since 1968, approximately 40 percent of all international

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terrorist incidents that occurred outside our borders were aimed at United States officials, property or civilians. Although we have been fortunate enough here at home to escape an atrocity of the magnitude of the two Beirut bombings, we have seen an increased propensity on the part of terrorist groups to plan and carry out terrorist acts in the United States. This is typified by the destruction of $50 million worth of aircraft in San Juan, Puerto Rico, in January, 1981, by the pro-independence Puerto Rican terrorist group, "Macheteros." The assassination of two Turkish diplomats in 1982 by the Armenian terrorist group, "The Justice Commandos of the Armenian Genocide (JCAG)" is another example.

Here in the United States we experienced 29 terrorist incidents in 1980, 42 in 1981, and 52 in 1982. The 31 terrorist incidents in 1983 represent almost a 40 percent decrease when compared to 1982. During the same period, the number of killed and injured decreased from seven killed and 26 injured in 1982 to six killed and four injured in 1983. These reductions can be attributed in part to the success of the FBI in preventing a number of terrorist incidents in 1983.

As interested as I know you are in our philosophy on these investigations and the statistics, I realize you are most concerned about what we are doing to protect the American people from terrorists. The balance of my remarks will be devoted to this.

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Until October, 1982, the FBI had three national priority programs--Organized Crime, White-Collar Crime and Foreign Counterintelligence. In October, 1982, I broadened those priorities to include a fourth--Terrorism. In the face of the worldwide threat of terrorism, I wanted to insure that we were doing everything possible to carry out our responsibility as the lead Federal agency in the fight against terrorism in the United States. As the lead agency, the FBI has a dual mission. The first is preventive in nature and the second, reactive. I would like to deal with them in reverse order.

The reactive phase of the FBI's Terrorism Program involves the response to and investigation of criminal acts committed by terrorist groups. Many of the acts committed by known terrorist groups come under the investigative jurisdiction of the FBI, although a local law enforcement entity may have concurrent jurisdiction. This necessitates a close working relationship between the FBI and other Federal and local law enforcement agencies.

While we speak of our Terrorism Program as having two phases, it is often difficult to separate the two. We believe we are able to reduce tomorrow's acts of terrorism by identifying and prosecuting those responsible for today's acts. This is particularly true when group leaders are successfully prosecuted.

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It is our opinion that the 1983 decline in terrorist incidents can be attributed, in part, to the success of the FBI and other law enforcement agencies in investigating individuals such as the Armenian terrorists and the Puerto Rican pro-independence terrorists. For example, in October, 1982, five members of the Justice Commandos of the Armenian Genocide (JCAG), who were under FBI surveillance, were arrested after attempting to bomb the Turkish Honorary Consulate in Philadelphia. The arrest of these five marks the first time members of the JCAG have been arrested prior to the commission of a terrorist act. Those arrests, along with the arrests and subsequent convictions of three members of the Armenian Secret Army for the Liberation of Armenia (ASALA) for attempting to bomb an Air Canada cargo building have discouraged activities by those groups in the United States. Although Armenian terrorist groups were responsible for five attacks in this country in 1982, including two assassinations, in 1983 there were none.

We have enjoyed similar results against domestic terrorists. As a result of an intensive FBI investigation of the Armed Forces of National Liberation (FALN), our most violent domestic group, we identified a safehouse in Chicago and arrested four individuals in possession of semiautomatic weapons, homemade silencers and explosives. These arrests prevented the FALN from carrying out planned bombings, armed robberies and prison breaks. This investigation also resulted in the June arrest of FALN leader and bomb maker

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William Guillermo Morales in Mexico. Morales, who had been a fugitive since his escape from a prison hospital in May, 1979, remains in Mexico pending extradition proceedings.

In 1982, there were 25 acts of terrorism attributable to Puerto Rican terrorist groups. In 1983, there were only three. This reduction in incidents is partially a result of the FBI's investigation of the FALN in Chicago and other cities.

Our efforts to prevent terrorism go beyond investigations of terrorist incidents and attempts to identify and prosecute those who are responsible. The preventive phase of our terrorism program includes aggressive efforts to collect and analyze all legally obtainable intelligence concerning terrorist groups that pose a threat to the United States or its citizens. In 1980, the FBI established a Terrorist Research and Analytical Center at FBI Headquarters to analyze and computerize data on known terrorists and terrorist groups active in the United States. This center consists of analysts and computer experts who review all information received by the FBI concerning terrorist groups or individual terrorists, and who make assessments of the potential threat.

The FBI in its role as the lead Federal agency in combating terrorism is coordinating the Federal law enforcement preparation for a number of special events in 1984. These are the Summer Olympics in Los Angeles; the World's Fair in New Orleans; and the Democratic and Republican National Conventions. The most widely publicized of these is

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the Olympics. Since the killing of the Israeli athletes by Arab terrorists at the 1972 Summer Olympics in Munich, West Germany, elaborate security measures for these events have become obligatory, and the games in the United States will be no exception.

We are working side by side with other Federal, state and local agencies having security and law enforcement responsibilities at the games. We have not sought, nor do we seek to encroach upon the jurisdictional responsibilities of these agencies. In fact, our successes in counterterrorism investigations have been supported to a great extent by the efforts of law enforcement officers at all levels. Preparing for an event of this magnitude would not be complete without plans to respond to any incident.

At the present time, a memorandum of understanding between the FBI and the Southern California law enforcement agencies involved with security at the games is in the process of being signed. As of January 30, 1984, it had been signed by fifteen agencies, including the FBI. In addition, the FBI and the Los Angeles Police Department are presently drafting a memorandum of understanding between the two agencies that will clearly delineate the responsibilities of each during the Olympics and insure a concerted effort to prevent terrorist attacks.

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The Los Angeles FBI Office has developed emergency response teams to establish an initial Federal presence and handle routine incidents under FBI jurisdiction. We will also have available in Los Angeles during the Olympics a 50-member Hostage Rescue Team, the first major civilian anti-terrorist team ever assembled in this country. This team will be able to respond to hostage situations anywhere in the country. Although we have well-trained five- to seven-man SWAT teams and hostage negotiators in each of our 59 field offices throughout the United States, that's not enough. Our new Hostage Rescue Team will provide us with the manpower to meet massive emergency situations, yet, will have the training and skill to save lives. The team will provide the President and the Attorney General with an alternative to the use of military force. The Hostage Rescue Team will be a deterrent factor in the future, I'm sure.

We have seriously weakened several of the major domestic terrorist groups in this country. But we won't allow our successes to blind us to the potential for terrorist activity in this country. That will always exist; however, we are confident that we have taken appropriate steps to make sure that terrorists do not succeed in getting even a beachhead such as they have enjoyed for years in other parts of the world.

To avoid the lawlessness and chaos that Andrei Sakharov spoke about requires vigilance. We must be firm, but we must not be repressive. We must do this with the

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highest level of professionalism. Otherwise the terrorist wins his objective. The ultimate objective for us is to keep our citizens safe and free. I can tell you the FBI is working very hard to do just that.

That completes my prepared statement. I am now prepared to answer your questions.

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